



**North Carolina Department of Health and Human Services  
Division of Mental Health, Developmental Disabilities and  
Substance Abuse Services**

**Resource/Regulatory Management Section • Accountability Team**

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Michael F. Easley, Governor  
Carmen Hooker Odom, Secretary

Michael Moseley, Director

May 21, 2004

## Memorandum

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TO: Area MH/DD/SA Authority Directors  
FROM: Jim Jarrard, Accountability Team Leader  
Stephanie Alexander, Chief, MH Licensure and Certification Section, Division of  
Facility Services  
RE: Local Monitoring of Community-Based ICF-MR facilities

We understand that, as a function of complying with the Administrative Rules written pursuant to SB 163 regarding monitoring of MH/DD/SA facilities in the catchment area of the area MH/DD/SA authority, some area authorities are undertaking full compliance reviews of ICF-MR facilities. This is not intended or necessary to satisfy the requirements of the SB163 monitoring rules. While we understand that in the temporary rules this may not be clear, the permanent rules which have just passed the Rules Review Commission provide more clarity. Also, the interpretive notes and tools being developed will bring further clarification.

In a broad sense, it is the intent of the SB163 monitoring rules for area programs to know of the presence and the services offered in ICF-MR facilities, to make contact with the ICF-MR facility, share contact information, to receive incident reports as defined in these rules, and to work to resolve such complaints as may be resolved informally as a function of local oversight of MH/DD/SA services in the community. That is why the ICF-MR facilities are designated as Category A providers in the SB 163 rules.

However, as you know, pursuant to federal law and through a contractual obligation with the U.S. Center for Medicare and Medicaid Services, the Division of Facility Services (DFS) conducts annual recertification surveys of all ICF/MR facilities in the State. DFS has ICF-MR surveyors to assure that the ICF-MR facilities have adequate oversight. Any potential problems with ICF-MR facilities which the area authority, in its capacity as local monitor and manager of public policy, may find are to be forwarded directly to DFS for follow-up.

The purpose of the SB 163 monitoring rules is to assure consumers, families and concerned citizens that all facilities that provide MH/DD/SA services are monitored. Since resources are not available to provide monitoring to all facilities to the same extent and with the same frequency, the rules require the area authority to establish priorities, directing monitoring resources where they are needed most. Since adequate resources do exist at the State level to provide monitoring for ICF-MR facilities, and the SB163 monitoring rules specify that the monitoring performed pursuant to those



rules not duplicate or supercede the regulatory authority or functions of DHHS, area authorities should not undertake a review of ICF-MR facilities in order to satisfy the SB163 monitoring requirements.

We appreciate the diligence with which the area authorities have sought to comply with these rules in the interest of those consumers and families served by the MH/DD/SA system. Should you have further questions about this issue, feel free to contact either Stephanie Alexander at DFS (919-855-3796) or Jim Jarrard with DMHDDSAS (919-881-2446).

JJ/SA

cc:	Carmen Hooker Odom	Patrice Roesler
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